

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T COMMUNICATIONS	)	
OF THE SOUTH CENTRAL STATES, INC.	)	
TO ADJUST ITS RATES AND CHARGES FOR	)	CASE NO.
AT&T PROWATS, AT&T ALLPRO WATS,	)	91-425
OPERATOR HANDLED CALLS, AND	)	
VOICEGRADE PRIVATE LINE SERVICE	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed March 16, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the composite revenue, weighted cost, and unit volume data contained in AT&T's responses to the Commission's Order of February 18, 1992 on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

As part of its application to adjust its rates, AT&T has submitted, in response to Items 3(a), 5(a) and (b) of the Commission's Order of February 18, 1992, its calculations underlying present and proposed average revenue per minute and access costs per minute. AT&T seeks to protect this information as confidential on the grounds that disclosure is likely to cause it competitive injury.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those

employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The composite revenue, weighted cost, and unit volume information, which AT&T seeks to protect, would provide its competitors with composite revenue, weighted cost, and unit volume data by service category regarding AT&T's services in Kentucky. In addition, the disclosure of the composite revenue, weighted cost, and forecasted volume information by service category, and average length of call data would allow competitors to learn valuable pricing and marketing information regarding AT&T's services in this state. Therefore, disclosure of the information

is likely to cause AT&T competitive injury and the information should be protected as confidential.

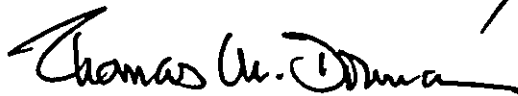
This Commission being otherwise sufficiently advised,

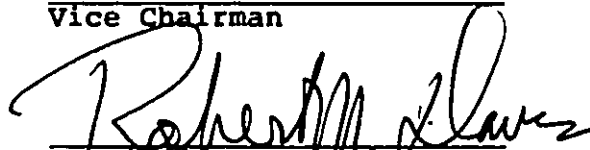
IT IS ORDERED that the composite revenue, weighted cost, and unit volume data contained in AT&T's responses to the Commission's Order of February 18, 1992, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 10th day of April, 1992.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:



Executive Director